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6 IN THE UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA  
8

9 U.S.A.,

No. 08-3300M

10 Plaintiff,

**ORDER**

11 v.

12 Omar Vivanco-Alvarez,

13  
14 Defendant.

15  
16 THE COURT, having reviewed the Motion to Extend Indictment Deadline, and  
17 good cause appearing,

18 IT IS ORDERED granting the motion and extending the time within which the  
19 government may seek to indict defendant by thirty (30) days.

20 THE COURT makes the following findings:

- 21 1) Counsel for defendant has only recently been appointed;  
22 2) The defendant earnestly wishes to consider the plea offer;  
23 3) The defendant wishes to investigate possible defenses prior to  
24 considering the plea offer;  
25 4) The government's offer, if accepted by the defendant and then the court,  
26 would likely reduce defendant's exposure to a significant prison term;  
27 5) If the defendant does not timely accept the plea offer prior to indictment,  
28 the government will withdraw the offer and any subsequent offer would likely be less  
advantageous to the defendant;

1           6) Failure to extend the time for indictment would thus operate to bar  
2 defendant from reviewing the offer in a meaningful way prior to indictment; and

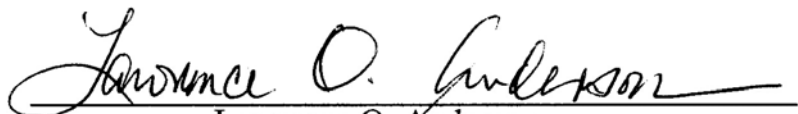
3           7) The ends of justice served by this extension outweigh the best interests of  
4 the public and the defendant in a speedy indictment.

5           The Court therefore concludes that the ends of justice are best served by granting  
6 an extension of time to present the case to the grand jury and in excluding a period of  
7 thirty (30) days under the Speedy Trial Act. In making this determination, the Court  
8 has particularly taken into account that the failure to grant the Defendant's request  
9 "would deny counsel for the defendant . . . the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence." 18 U.S.C. §  
11 3161(h)(8)(B)(iv).

12           **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for  
13 Indictment requesting an extension of thirty (30) days within the government may seek  
14 to indict defendant, is hereby granted.

15           **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §  
16 3161, the Government shall have an extension of thirty (30) days to file a timely  
17 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period  
18 of thirty (30) days in which the Government may present the case to the grand jury.

19           DATED this 31<sup>st</sup> day of July, 2008.

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22           Lawrence O. Anderson  
23           United States Magistrate Judge  
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